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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA	)	Criminal Action No. 4:10-cr-00020
	)	
v.	)	MEMORANDUM OPINION
	)	
LUIS ENRIQUE MARTINEZ-ROMERO,	)	By: Hon. Jackson L. Kiser
Petitioner.	)	Senior United States District Judge

Luis Enrique Martinez-Romero, a federal prisoner proceeding pro se, filed a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and the United States filed a motion to dismiss. By Order dated November 23, 2011, I referred the matter to United States Magistrate Judge Robert S. Ballou for an evidentiary hearing and a Report and Recommendation.

The Magistrate Judge held the evidentiary hearing on May 21, 2012, and filed a Report and Recommendation on July 12, 2012. The Magistrate Judge determined that petitioner did not direct counsel to file an appeal, counsel did not render ineffective assistance, and petitioner understood the plea agreement and its waiver of the right to appellate review. The Magistrate Judge recommended that I grant the United States' motion to dismiss and dismiss petitioner's § 2255 motion. More than fourteen days have passed since the Report and Recommendation was docketed, and no party filed an objection.

I have reviewed the Magistrate Judge's report and pertinent portions of the record, and I agree with the Magistrate Judge's recommendation. Accordingly, I adopt the Report and Recommendation in its entirety, grant the United States' motion to dismiss, and dismiss petitioner's 28 U.S.C. § 2255 motion. Based upon my finding that petitioner has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to the parties.

Enter: This 30th day of July, 2012

Senior United States District Judge